IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 5067 of 2005

Between:

Mir Fazal Ali, S/o. Mir Riyasath Ali,
R/o.22-2700/3/2, Panjaethan Colony, Darulshifa, Hyderabad temporarily residing at Jeddah in connection with service represented by Power of Attiorney Holder Mir Riyasat s/o.Late MirSardar Ali 60 yrs.R/o.22-2-700/3/2, Panjaethan.

..... PETITIONER

AND

1 The Regional Passport Officer, Office situated Near Prashant Theatre, Secunderabad.
2 Consultate General of India, Jeddah.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue and appropriate writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondents in not issuing new passport on fresh application to the petitioner with date of birth entered as 30.6.1975 instead of 3.6.1975 as highly illegal and arbitrary any other relief deemed fit and proper be also granted to the petitioner.

Counsel for the Petitioner: MR.ABDUL NAJEEB KHAN

Counsel for the Respondents: MR.A.RAJASHEKAR REDDY (ASSISTANT SG)

The Court at the admission stage made the following :

O R D E R:

Heard the learned counsel for the petitioner and the learned standing counsel appearing for the respondents.

This writ petition is filed seeking to declare the action of the respondents in not issuing new passport on a fresh application made by the petitioner by entering the date of birth as 30-06-1975 instead of 03-06-1975 as arbitrary and illegal.

The petitioner states that he obtained passport on 25-10-1995 in which his date of birth was wrongly mentioned as 03-06-1975 instead of 30-06-1975. It is further stated that he approached the second respondent on 04-03-2005 seeking issuance of new passport on fresh application with correct date of birth. However, the second respondent refused to receive the same. Hence, this writ petition.

As held by this Court in *MOHAMMAD DILAWAR SHARIFF VS. UNION OF INDIA, REPRESENTED BY ITS SECRETARY, MINISTRY OF EXTERNAL AFFAIRS, NEW DELHI AND ANOTHER* correction of date of birth in the passport once issued is not permissible. However, it is to be noted that pursuant to the judgment of this Court in W.P.No.1072 of 2000, the Government of India, Ministry of External Affairs, has issued instructions/clarifications in Circular dated 18-04-2001 and based on the said Circular, it is now

permissible for the Regional Passport Officer to affect the corrections under certain circumstances specified under the Circular.

In the circumstances, the writ petition is disposed of granting liberty to the petitioner to make an appropriate application together with the material to substantiate his correct date of birth within four weeks from today, in which event, the respondents shall consider the same in terms of the Circular dated 18-04-2001 and pass appropriate orders in accordance with law, within a period of four weeks thereafter. No costs.

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(**G. ROHINI, J**)

Date: 15-03-2005

ghn

To

1 The Regional Passport Officer, Office situated Near Prashant Theatre, Secunderabad.
2 Consultate General of India, Jeddah.

3 Two CD copies.